

JEFFERSON COUNTY COMMISSIONERS  
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TOM LYTHGOE, CHAIR

CHUCK NOTBOHM

KEN WEBER

**PROCEEDING OF THE BOARD OF COMMISSIONERS  
COUNTY OF JEFFERSON, STATE OF MONTANA  
December 13, 2005**

**Present:** Commissioners Lythgoe, Notbohm and Weber; Harold Stepper, County Planner; Bonnie Ramey, Clerk and Recorder; Paul and Shannon Smith, Cathi Bond, Jan Anderson, *Boulder Monitor/Jefferson County Courier*

**REPORTS**

Receipt of November expense and revenue reports from the Clerk and Recorder.

**CALENDAR REVIEW**

12/13 Public meeting regarding roadless issue  
12/14 South Helena Interchange meeting - 1:00  
12/15 RMDC - 3:00  
12/19 Land Board - Helena - 9:00

**COMMISSION REPORTS**

**MONTANA CITY TRAILS COMMITTEE**

Commissioner Lythgoe reported on the Montana City Trails committee meeting on Tuesday night. They are looking to expand on the trails that were put in with CTEP funds. They are pursuing funding for the project.

**MTAG**

Commissioner Lythgoe reported on the MTAG meeting that was held on Wednesday. The Board of Directors has indicated to the CEO that they do want to continue operations at Tunnels. They have picked one of several alternatives for clean-up, and have directed the CEO to find funds to do the clean-up. They are also asking to be permitted for the second phase, and the phases have moved back a year.

**HEADWATERS PUBLIC MEETING**

Commissioner Lythgoe reported that he attended a presentation by Headwaters regarding brownfield grants. They initially thought that money would be available for cleanup in the Wickes/Corbin area, but they have found that there is not enough money to do the project.

Headwaters has asked for suggestions for projects. Commissioner Notbohm asked if potential projects include dumpsites. Commissioner Lythgoe stated that they do. The maximum award is \$250,000, but there is a \$50,000 match.

#### DNRC

Commissioner Lythgoe stated that the Commissioners met with the DNRC, to discuss the DNRC's concern with an access road to land they are going to sell. The county's position is that Microwave Hill Road is a county road all the way to the tower. They wanted to clarify the county's position.

#### JLDC

Commissioner Lythgoe reported on the JLDC meeting. The new owners of AYA gave a progress report. They are currently full with a waiting list. They are comfortable with the facility and happy to be in Boulder.

#### SAFETY COMMITTEE

Commissioner Weber reported that the committee has identified some areas where they can share information with Department Heads. They are looking for the best day of the week to hold meetings. They need to have representatives from all departments in attendance.

#### LIBRARY BOARD

Commissioner Weber reported on the Library Board meeting. The Board tabled the discussion regarding the library district. Commissioner Lythgoe asked if they have hired a director yet. Commissioner Weber stated that the position was offered to someone, who turned it down. The position will be re-advertised.

#### EXTENSION OPENING

Commissioner Weber reported that he attended the applicant's presentations for the economic development agent position the previous night. That morning, he took part in the interview process. All the candidates were great, and he thinks that MSU will make an offer within the week.

#### CORRESPONDENCE

Petition to Abandon Road: Bonnie Ramey, Clerk and Recorder, presented a petition for a road closure submitted by the Stoney Brook Subdivision. She stated that she had just verified the signatures. Commissioner Notbohm asked what road it pertained to. Commissioner Lythgoe stated it is the Old Virginia City Trail, between the railroad bed and 282. He and Ben looked at it some time ago, and they agreed that it would be okay to abandon, as it doesn't access anything. Commissioner Weber moved to appoint Commissioner Lythgoe and Ben Sautter as viewers. Commissioner Notbohm seconded. The motion carried.

#### SUBDIVISION REVIEW

##### FINAL PLAT APPROVAL - SMITH-ROBBINS MINOR

Harold Stepper, County Planner, presented his staff report. All conditions of approval have been

met. He recommended that final plat approval be granted. Commissioner Lythgoe moved to grant final plat approval. Commissioner Notbohm seconded. The motion carried.

### **ITEMS FOR COMMISSIONERS ACTION OR REVIEW**

#### **DISCUSS AND DECIDE ON SOLID WASTE BOARD'S REQUEST TO HAVE COUNTY HELP OFFSET ASSISTANT SALARY**

Commissioner Notbohm stated that he has a problem with this. The Solid Waste Board's contention is that through the assistant's research, other departments benefit. His contention is that it is everyone's job to work together for the benefit of all. He is not in favor of this. Commissioner Lythgoe stated that he agrees.

Commissioner Lythgoe moved to deny the request of the Solid Waste Board to have the general fund help offset the Solid Waste Administrative Assistant's salary. Commissioner Notbohm seconded. The motion carried.

#### **DISCUSS AND DECIDE ON BIDS FOR FAIRGROUNDS MULTI-PURPOSE BUILDING**

Commissioner Notbohm stated that he has been in contact with Marilyn McCauley on this. All of the bids came in too high, so they will now go to phone bids. They are trying to keep this local. The Fair Board may just have to do what they can and have this be an on-going project. Commissioner Lythgoe noted that phone bids have to be under \$50,000. Commissioner Notbohm stated that it will be. The electrical is separate, and that is already being done. Commissioner Lythgoe asked who is calling for bids. Commissioner Notbohm stated that he is. Commissioner Lythgoe asked if there is a scope of work. Commissioner Notbohm stated that there is. Marilyn came into the office the previous day and they went over the list and broke it down. Part of the problem is the original construction. The building is originally a pole barn, and the foundation will have to be re-poured. Because of the bathrooms and all of the concrete, it will be very important to have it all done right.

Commissioner Notbohm moved to not accept either of the bids previously presented. Commissioner Lythgoe seconded. The motion carried.

#### **OPEN AND AWARD BIDS FOR SALE OF ITEMS FROM REMODEL**

Three letters of bids were presented. The bids were awarded as follows:

Tom Henderson:	1 overhead cabinet	\$ 8.51
	1 pair mirrored doors	\$51.51
Cathi Bond:	1 base cabinet	\$20.00
Allen LeMieux	steel chairs	\$ 4.00/each

\*\*Commissioner Weber arrived at the meeting at this point.\*\*

#### **DISCUSS AND DECIDE ON RIGHT-OF-WAY ISSUES RELATED TO SOUTH HELENA INTERCHANGE**

Commissioner Lythgoe stated that there is some right-of-way in Jefferson County that needs to be obtained for the interchange project to go forward. Appraisals have been done. Most of the right-of-way along the frontage road is owned by Peccia and his partners. In Jefferson County, the right-of-way is owned by the developer of the Pronghorn subdivision. There are four parcels, one of which has turned out to be of significant size and value. Because the intersection of Holmes Gulch and Colonial Drive has been required by MDT to be larger than originally thought, it has caused a buildable lot to become unbuildable. The appraisal on three of the parcels, as far as he is concerned, are not significant. However, the other parcel is appraised at \$50,500.

Harold stated that originally, this lot was a little over 2 acres. A right-of-way or easement could be included in the sanitaries, but a septic or well cannot be in a right-of-way or easement. Because of how everything connects at Holmes Gulch, the useable lot space is less than half an acre. Commissioner Notbohm stated that what they did with the approach to Holmes Gulch seems a little extravagant, and asked why it was done this way. Harold stated that he had the same question also, and it had something to do with grades.

Commissioner Lythgoe stated that Jefferson County has agreed to take care of the right-of-way issues, and initially agreed to pay \$100,000 to \$140,000 towards. This new expense was unforeseen, but it is too late to back out at this point. He has talked to a negotiator relating to these four properties, who will in turn talk to Ken Vivrette, who is negotiating on behalf of the developer. Some options have been presented. Harold stated that one option is swapping the parkland to the highly appraised parcel, which would give the developer another buildable lot. Also, those in the area want to connect with city sewer and water, and the City of Helena may or may not require annexation. Commissioner Notbohm asked what this would consist of. Harold stated that those lots would become part of the City of Helena, and pay all of those taxes, services and fees. Commissioner Notbohm stated that this is pretty complex, and asked who would want to pay double taxes. Commissioner Lythgoe stated that he is not ready to go there at this point.

Commissioner Lythgoe stated that he has a meeting with MDT the following day. It is his feeling that MDT bears some responsibility in this because of the way that they engineered the intersection. He is going to present this to them at the meeting. Harold stated that maybe this is something that they could be approached on. Jefferson County knew going in that they were going to pay a certain amount; possibly MDT will cover the rest. Commissioner Lythgoe stated that there is a tight time frame, and there isn't a lot of time to do a lot of finagling. Harold suggested that maybe this could be done after the fact and recoup some of the funds.

Commissioner Notbohm asked who did the appraisal. Harold stated that the Joki firm did the appraisal; the appraisal had to be done by someone MDT approved of. The appraisal cost \$11,000. Commissioner Notbohm stated that this was a rip-off.

Commissioner Lythgoe stated that he is going to do everything in his power not to have to pay the \$50,000, but he needs a commitment from the Commission that they will pay for the right-of-way, so that Jefferson County is not responsible for holding up the interchange. Commissioner Notbohm stated that he doesn't have a problem with this, with the exception of how MDT

engineered the intersection. Jefferson County has committed up to \$140,000, and everything needs to come out of that amount. Commissioner Lythgoe asked what if they have to pay the total amount, if they need to spend \$15,000 more than originally committed. He stated that he doesn't feel that this should be a deal-breaker on this multi-million dollar project. Harold noted that he has heard that at least part of the right-of-way will be donated. Commissioner Lythgoe stated that worst case, the county will have to pay for it all, best case, they can work out one of the alternatives and have some of the right-of-way donated. He doesn't want Jefferson County to bow its neck and say this isn't going to happen. MDT has tightened up the time frame so much that there isn't a lot of time to negotiate. Commissioner Weber asked what the time frame constraints are, and asked if this could wait until negotiations are completed. Commissioner Lythgoe stated that there is a meeting the next day, and he may know more after that. Harold stated that they have to plan for both options.

Commissioner Weber stated, for clarification, that they are being asked to decide if they are willing to spend the money for the right-of-way, and, in the meanwhile, negotiations are on-going that may reduce the costs. Commissioner Lythgoe stated that this is correct. Everyone has partnered up on this to get the project completed, and he doesn't want Jefferson County to be the one to mess things up. He is willing to pony up the money, but he agrees that MDT bears the responsibility. Harold stated that this frontage road will have a significant impact on Jefferson County. Commissioner Lythgoe stated that this will have a huge impact on Jefferson County; there will be a huge benefit from the frontage road. Commissioner Weber stated that the Commission has already agreed to deal with the right-of-way issue. They may not want to, but it is the Commission's responsibility to fulfill their part of the commitment. He questioned if this is something that the Commission even needs to deal with. Commissioner Lythgoe stated that, because of the change in the amount of money involved, he felt he needed to bring this forward for comment. Harold stated that another thing to consider is the number of Jefferson County residents that will utilize this on a daily basis. This frontage road will offer a direct benefit to our residents.

Commissioner Lythgoe stated that he doesn't feel that the Commission needs to take any action at this time. They have committed to take care of the right-of-way; it has gotten bigger, but the commitment still stands. Commissioner Weber agreed that the commitment has already been made, and that there is no need for action. Commissioner Lythgoe stated that MDT has never done a project this quickly, and the reason it has moved to fast is because of the cooperation between all of the parties. He stated that he will do everything in his power to mitigate the costs.

#### APPOINT BOARD MEMBER

Commissioner Lythgoe stated that this is an emergency appointment. This opening on the Tax Appeal Board has been advertised in the past, but no applications have been received. Commissioner Lythgoe moved to appoint Nita McCauley to the Tax Appeal Board. Commissioner Notbohm seconded. The motion carried.

#### PUBLIC HEARING - BUDGET AMENDMENT - RECEIPT OF UNANTICIPATED FUNDS - HEALTH DEPARTMENT

Commissioner Lythgoe called the public hearing to order and explained that the money is an insurance payment from the theft of a laptop. He called for comments. Hearing none, he closed  
December 13, 2005 minutes.wpd

the public hearing.

RESOLUTION 39-2005 BUDGET AMENDMENT - GRANT SPENDING AUTHORITY FOR UNANTICIPATED FUNDS - HEALTH DEPARTMENT

Commissioner Weber read the resolution as follows:

**RESOLUTION 39-2005**

**BUDGET AMENDMENT - GRANT SPENDING AUTHORITY FOR UNANTICIPATED FUNDS - HEALTH DEPARTMENT**

**WHEREAS**, the Health Department has received monies from the insurance reimbursement for theft of fixed assets, specifically a laptop, in excess of the amount anticipated for fiscal year 2005-2006;

**NOW, THEREFORE, BE IT RESOLVED** by the Jefferson County Board of Commissioners that the anticipated revenues of Jefferson County for fiscal year 2005-2006 be correspondingly increased in fund 2270 revenue source 360000 and in expenditure account 2270-440`00 object 216 \$1,417.98.

**BE IT FURTHER RESOLVED** that One Thousand Four Hundred Seventeen dollars, Ninety-Eight cents received from a reimbursement for theft of fixed assets be appropriated to the Jefferson County Fund 2270, expenditure account 440100.

**DATED** this 13<sup>th</sup> of December, 2005.

**ATTEST:**

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**BONNIE RAMEY  
CLERK AND RECORDER**

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**TOMAS E. LYTHGOE, CHAIR**

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**CHUCK NOTBOHM, COMMISSIONER**

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**KEN WEBER, COMMISSIONER**

Commissioner Weber moved to adopt the resolution. Commissioner Notbohm seconded. The motion carried.

**MEETING ADJOURNED**

**ATTEST:**

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**BONNIE RAMEY  
CLERK AND RECORDER**

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**TOMAS E. LYTHGOE, CHAIR**

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**CHUCK NOTBOHM, COMMISSIONER**

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**KEN WEBER, COMMISSIONER**